

STATEMENT OF HONORABLE LOUIS STOKES

JUNE 10, 1987

THANK YOU MR. CHAIRMAN.

THESE HEARINGS, AS WELL AS THE IRAN-CONTRA HEARINGS, HAVE
REINFORCED MY VIEWS AS TO THE WISDOM AND NECESSITY OF
INTRODUCING, AND PASSING, H.R. 1013. WHEN EDDIE BOLAND AND I
INTRODUCED H.R. 1013 ON FEBRUARY 4, I STATED:

WHEN THE EXECUTIVE BRANCH TREATS
CONGRESSIONAL OVERSIGHT AS AN IRRITANT TO BE
AVOIDED OR OVERCOME, THE RESULT IS QUITE
OFTEN A POLICY OR PROGRAM FAILURE.
OCCASIONALLY, SUCH FAILURES ARE OF SUCH
MAGNITUDE AS TO DIRECTLY AFFECT THE NATIONAL
INTEREST.

CLEARLY, THIS HAS BEEN THE CASE WITH REGARD TO THE SO-CALLED IRAN INITIATIVE. THE INTENT TO EVADE CONGRESSIONAL OVERSIGHT IS CLEAR; THE DISASTROUS RESULT IS EQUALLY CLEAR. IT HAS COME IN THE ONE AREA OF SECRET GOVERNMENTAL ACTIVITY -- COVERT ACTION -- WHERE EFFECTIVE CONGRESSIONAL OVERSIGHT IS IMPERATIVE, AND WHERE CONGRESSIONAL ACCESS TO INFORMATION MUST BE UNFETTERED. IF THE INTELLIGENCE COMMITTEES ARE NOT INFORMED OF COVERT ACTIONS, THEN NO ONE IN CONGRESS IS INFORMED AND NO OVERSIGHT IS PERFORMED. IF THE INTELLIGENCE COMMITTEES ARE NOT PERMITTED TO OFFER SOUND ADVICE AND CONSTRUCTIVE CRITICISM BEFORE AN ACTION IS INITIATED, THEN RARELY WILL ANY SUCH ADVICE OR CRITICISM BE HEARD FROM ANYONE WHO DOES NOT HAVE A DIRECT OPERATIONAL OR POLICY CONNECTION TO THE PARTICULAR COVERT ACTION CONTEMPLATED.

AT THAT TIME I ALSO NOTED:

THAT BOND OF MUTUAL RESPECT AND TRUST BETWEEN THE (INTELLIGENCE) COMMITTEES AND

THE CIA, WHICH EDDIE BOLAND, KEN ROBINSON, SENATOR INOUE, SENATOR BAYH, SENATOR GOLDWATER, AND OTHERS STROVE SO HARD AND SO SUCCESSFULLY TO ESTABLISH, HAS BEEN BROKEN. IT HAS BEEN REPLACED OF LATE BY A DEMONSTRATION OF ARROGANCE THAT PERMITS HIGH-RANKING GOVERNMENT OFFICIALS TO LOOK FOR WAYS TO AVOID THE LAW RATHER THAN EXECUTE IT, AND TO REASON THAT A STATUTE DESIGNED TO INSURE PRIOR NOTICE AUTHORIZED NO NOTICE AT ALL FOR 10 MONTHS.

SINCE I MADE THOSE STATEMENTS IN FEBRUARY, THE CONGRESS HAS HEARD TESTIMONY FROM A FORMER NATIONAL SECURITY ADVISOR AND AN ASSISTANT SECRETARY OF STATE ADMITTING THAT THEY DELIBERATELY MISLEAD OR MISINFORMED CONGRESSIONAL COMMITTEES, INCLUDING THIS ONE.

A CIA OFFICIAL HAS ASSERTED, IN EFFECT, THAT HIS SUPERIORS DID NOT TELL THE TRUTH WHEN TESTIFYING BEFORE CONGRESSIONAL COMMITTEES, INCLUDING THIS ONE.

WE HAVE LEARNED THAT THE DEA WAS DIRECTLY INVOLVED IN A COVERT ATTEMPT TO FREE OUR HOSTAGES -- A COVERT ACTION FOR WHICH THERE WAS NO FINDING AND WHICH WAS NOT REPORTED TO THE REQUISITE COMMITTEES, INCLUDING THIS ONE, IN VIOLATION OF THE OVERSIGHT ACT OF 1980 AND EXECUTIVE ORDER 12333.

WE HAVE BEEN BOMBARDED WITH MISLEADING ALLUSIONS TO THE BOLAND AMENDMENT: IT'S EITHER TOO VAGUE, OR TOO BROAD, OR TOO CONFUSING, OR NOT SPECIFIC ENOUGH -- AND, IN ANY CASE -- IT DOESN'T APPLY TO THE NSC OR TO THE PRESIDENT.

MR. CHAIRMAN, AGAINST THIS BACKDROP, DARE WE RISK ANY
CONFUSION ABOUT WHAT IS, ESSENTIALLY, THE CHARTER OF THE
INTELLIGENCE OVERSIGHT PROCESS -- THE OVERSIGHT ACT OF 1980.
WE SHOULD LEAVE NO ROOM FOR DOUBT OR DISSEMBLING. THE
LEGISLATIVE INTENT SHOULD BE CLEAR: PRIOR NOTICE OF COVERT
ACTIONS; PRIOR NOTICE TO THE 8 PERSON LEADERSHIP GROUP FOR
MATTERS OF RARE AND EXTRAORDINARY SENSITIVITY; AND A SHORT
DELAY OF SUCH NOTICE IN EXTRAORDINARY CIRCUMSTANCES WHEN THE
PRESIDENT MUST ACT BEFORE HE CAN PROVIDE NOTICE.

THAT IS WHAT THE CONGRESS MEANT IN 1980.

THAT IS WHAT WE SHOULD RESTATE TODAY.

IT IS, IT SEEMS TO ME, A REASONABLE AND SOUND FOUNDATION
UPON WHICH TO REBUILD THE INTELLIGENCE OVERSIGHT PROCESS. IT
INSURES THAT THE CONGRESS HAS THE INFORMATION IT NEEDS, WHEN IT
NEEDS IT, TO PERFORM ADEQUATE OVERSIGHT, AND IT PROVIDES THE
PRESIDENT WITH ALL THE FLEXIBILITY HE NEEDS TO RESPOND TO
EMERGENCIES.